

REMARKS

Claims 40-43 are pending in the present application. As indicated above, Claim 40 has been amended.

In the Office Action, Claims 40-43 were rejected under 35 U.S.C. §103(a) as being unpatentable over U.S. Patent No. 5,966,671 (*Mitchell*) in view of U.S. Patent No. 6,529,713 (*Seymour*), and further in view of U.S. Patent No. 5,915,228 (*Kunihiro*), and under 35 U.S.C. §112, second paragraph, as being indefinite.

With regard to the rejection of Claims 40-43 under 35 U.S.C. §112, second paragraph, the Examiner takes issue with the term “digits/characters” in Claim 40. As indicated above, Claim 40 has been amended to read “at least one of digits and characters”. Therefore, it is respectfully requested that the rejection to Claims 40-43, under 35 U.S.C. §112, second paragraph, be withdrawn.

With regard to the rejection of Claims 40-43 under 35 U.S.C. §103(a) as being unpatentable over *Mitchell* in view of *Seymour*, and further in view of *Kunihiro*, more specifically, independent Claim 40, the Examiner asserts that *Mitchell* teaches all the elements of Claim 40 except for a watch type portable phone, which is allegedly taught in *Seymour*, and where at least one signal is for inputting digits and characters, which is allegedly taught in *Kunihiro*. We believe the Examiner is incorrect.

The method according to the present invention is to select a menu item by manipulating a multi-function key with a protrusion adapted to slide in a first direction and a second direction and be pressed in a third direction substantially perpendicular to the first direction, to shift a cursor on a digit-character desired to be input by means of the multi-function key on an LCD on which pre-stored digits or characters are displayed when the selected menu item is a menu for inputting of digits or characters, and to input the desired digit or character. However, *Mitchell* as cited by the Examiner discloses a multifunction rocker switch for accessing direct menu items, confirming selection of a

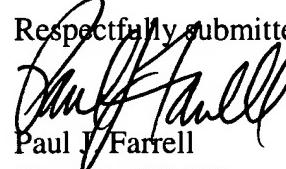
menu item, and toggling a menu item's status (on/off) using a smart button key, a FCN key, and standard telephone keys. Therefore, it is respectfully submitted that the present invention teaching a method for inputting digits or characters using the multi-function key is distinguishable from *Mitchell* disclosing the multifunction rocker switch for selecting a menu item and toggling a menu item's status (on/off).

Furthermore, the switch in *Mitchell* does not consider the input of digits or characters at all. Accordingly, it is obvious that in a method according to *Mitchell*, digits and characters are input through a conventional main keypad. Therefore, it is respectfully submitted that there would be no motivation to combine *Mitchell* and *Kunihiro*.

Therefore, it is respectfully submitted that the present invention as recited in Claim 40 cannot be derived from *Mitchell* even if taken in combination with *Seymour* and *Kunihiro*.

Without conceding patentability per se of dependent Claims 41-43, it is respectfully submitted that Claims 41-43 are believed to be allowable by virtue of their dependence on Claim 40.

Accordingly, all of the claims pending in the Application, namely, Claims 40-43, are believed to be in condition for allowance. Should the Examiner believe that a telephone conference or personal interview would facilitate resolution of any remaining matters, the Examiner may contact Applicant's attorney at the number given below.

Respectfully submitted,

Paul J. Farrell
Reg. No. 33,494
Attorney for Applicant(s)

DILWORTH & BARRESE, LLP
333 Earle Ovington Blvd.
Uniondale, New York 11553
Tel: (516) 228-8484
Fax: (516) 228-8516
PJF/DMO/lah